

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Yuri Birg,

Debtor.

Ilene F. Goldstein, not
individually, but solely as trustee
for the Estate of Yuri Birg,

Plaintiff,

v.

Ilana Birg,

Defendant.

Chapter 7

Bankruptcy No. 17-10670

Honorable A. Benjamin Goldgar

Adversary No. 19-00596

NOTICE OF UNCONTESTED MOTION

Please take notice that on **Monday, October 26, 2020, at 9:30 A.M.**, or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable A. Benjamin Goldgar United States Bankruptcy Judge for the Northern District of Illinois, or any other judge sitting in his place and stead, and shall then and there present the **Uncontested Motion to Extend the Discovery Cutoff Date**, a copy of which is attached hereto and herewith served upon you

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 500 0972 and the password is 726993. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Dated: October 13, 2020

Ilene F. Goldstein, not individually,
but solely as trustee for the Estate of
Yuri Birg,

By: /s/ William J. Factor
One of Her Attorneys

William J. Factor (6205675)
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CERTIFICATE OF SERVICE

I, William J. Factor, an attorney, hereby certify that on October 13, 2020, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the Service List below and by U.S. Mail on all other persons identified on the Service List below.

/s/ William J. Factor

SERVICE LIST

Registrants

(Service via ECF)

William J Factor

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:	Chapter 7
Yuri Birg,	Bankruptcy No. 17-10670
Debtor.	Honorable A. Benjamin Goldgar
Ilene F. Goldstein, not individually, but solely as trustee for the Estate of Yuri Birg,	
Plaintiff,	Adversary No. 19-00596
v.	
Ilana Birg,	
Defendant.	

UNCONTESTED MOTION TO EXTEND
THE DISCOVERY CUTOFF DATE

Ilene F. Goldstein, not individually, but solely as trustee (the “**Trustee**”) for the Estate of Yuri Birg (the “**Debtor**”), requests an extension of the discovery cutoff from October 23, 2020 to January 29, 2021.

BACKGROUND

On April 3, 2019, the Trustee initiated this adversary proceeding by filing a complaint against Ilana Birg (“**Birg**”). On July 26, 2019, this Court set the discovery cutoff for December 4, 2019.

In October 2019, the Trustee served written discovery requests to Birg and the Debtor. Both Birg and the Debtor have periodically requested additional time to respond to the Trustee’s discovery requests first due to the fall/winter holidays and

then the global pandemic. On Monday, October 5, 2020, the Defendant produced 3 boxes of documents, which the Plaintiff is in the process of reviewing.

Additionally, in May of 2020, the Trustee filed a motion to compel responses to a subpoena served upon a law firm that had represented Defendant, which was granted. The Defendant was then provided time to submit a privilege log, which was tendered on August 31, 2020. The parties have scheduled a meet and confer to discuss the privilege log and if an agreement cannot be reached, additional motion practice may be required in connection with the privilege designations.

Due to the above, the Trustee has been unable to complete discovery in this case and requires additional time to do so. The Court has extended the discovery cutoff most recently to October 23, 2020. The Trustee conferred with counsel for the Defendant and he does not oppose an extension of the discovery period.

By this motion, the Trustee requests that the discovery deadline be extended to January 29, 2021.

DISCUSSION

When a deadline is set by court order, “the court for cause shown may at any time in its discretion ... order the period enlarged if the request therefor is made before the expiration of the period originally prescribed” Fed. R. Bankr. P. 9006(b)(1).

For the reasons set forth above, the Trustee believes that cause exists here to extend the discovery cutoff. This motion is timely, as the current cutoff is October 23, 2020. The Court has not set a trial date in this matter and this extension will not prejudice any party.

WHEREFORE, the Trustee respectfully requests that the Court enter an order extending the discovery cutoff date to January 29, 2021, and granting such

further relief as is appropriate in the circumstances. Opposing Counsel has indicated that they do not object to the relief sought in this motion.

Dated: October 13, 2020

Ilene F. Goldstein, not individually,
but solely as trustee for the Estate of
Yuri Birg,

By: /s/ William J. Factor
One of Her Attorneys

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